

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF:

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MISCELLANEOUS CASE

**SEIZURE OF EIGHTY THOUSAND
DOLLARS (\$80,000.00) UNITED STATES
CURRENCY**

NO. 20-05

**MOTION OF UNITED STATES OF AMERICA
FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT**

The United States of America, by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and Elizabeth M. Ray, Assistant United States Attorney, pursuant to 18 U.S.C. Section 983(a)(3)(A), requests this Court to extend the period of time in which the government may file a civil complaint for forfeiture of the above-listed property until March 18, 2020. In support of the motion, the government avers as follows:

1. On August 25, 2019, Philadelphia Police Department (PPD) officers conducted a traffic stop of a vehicle that was driven by Pengshu Zhao. As the officers approached the car, they observed a plastic bag on the front seat of the vehicle. Mr. Zhao advised officers that he had a large sum of currency in his possession. PPD contacted United States Homeland Security Investigations (HSI) to work with PPD Narcotics officers in interviewing Mr. Zhao. Following the interview with Mr. Pengshu Zhao, HSI seized the currency for further investigation for forfeiture as property involved in violation of federal drug laws.

2. On or about October 15, 2019, as required by law, HSI/U.S. Customs and Border Protection sent direct written notice to Pengshu Zhao, regarding the agency's intention to forfeit the seized currency.

3. One or about November 19, 2019, Mr. Zhao filed a claim with HSI/U.S. Customs and Border Protection seeking the return of the seized currency.

4. The Civil Asset Forfeiture Reform Act, 18 U.S.C. § 983, *et seq.* provides that, within 90 days after a claim for the return of property is filed, the government must file a civil complaint for forfeiture of the seized property, as provided under federal law. *See* 18 U.S.C. § 983(a)(3)(A). Also, if the government does not file a civil forfeiture complaint; list the seized property as being subject to forfeiture in a criminal indictment; or take other steps necessary to preserve the seized property within the time prescribed by the statute, the government must release the property and not take any further civil forfeiture action against the property. *See* 18 U.S.C. § 983(a)(3)(B).

5. The government is required to file a civil complaint for forfeiture in this case on or before February 17, 2020.

6. By this motion, the government, pursuant to 18 U.S.C. Section 983(a)(3)(A), requests an extension of time of 30 days, from the filing deadline, until March 18, 2020, to file a civil complaint for forfeiture in this matter.

7. The government submits that cause exists to grant relief in this instance. The government is continuing to review evidence regarding the seizure of the subject currency. The government needs to review additional information before it can conclude its investigation. The requested extension of time also will enable the government to identify legal and factual issues involving the seizure and forfeiture of the subject currency, and to fully consider the claim

for the return of the seized currency. Also, before taking final action, government counsel must obtain supervisory approval of any proposed forfeiture complaint or any proposed settlement.

8. The government submits that the requested extension of 30 days is reasonable under the circumstances. The government also submits that the requested extension of time is made in good faith and is not intended to unduly delay these proceedings. This request is the government's first request for an extension of time to file a complaint, and it will not unduly prejudice the claimant.

WHEREFORE, based on the foregoing, the government requests that this Court grant the motion.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

SARAH L. GRIEB
Assistant United States Attorney
Chief, Asset Recovery and Financial Litigation



ELIZABETH M. RAY
Assistant United States Attorney

Date: February 4, 2020

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the MOTION OF UNITED STATES OF AMERICA FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT was served on the following by first-class mail, addressed as follows:

Pengshu Zhao
34 Linford Road
Great Neck, NY 11021


ELIZABETH M. RAY
Assistant United States Attorney

Date: February 4, 2020

JDW

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ORDER

AND NOW, this _____ day of February, 2020, upon consideration of the government's motion under 18 U.S.C. Section 983(a)(3)(A) to extend for thirty days the period of time to file a complaint for forfeiture of the above-listed property, for cause shown, the motion is GRANTED. The government shall file its complaint in this matter on or before March 18, 2020.

United States District Judge